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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,839	01/28/2002	Daisuke Shinomiya	FUJH 19.358	3652
26304	7590	02/16/2006	EXAMINER	
KATTEN MUCHIN ROSENMAN LLP			ALI, SYED J	
575 MADISON AVENUE			ART UNIT	
NEW YORK, NY 10022-2585			PAPER NUMBER	
			2195	
DATE MAILED: 02/16/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/058,839

Applicant(s)

SHINOMIYA, DAISUKE

Examiner

Syed J. Ali

Art Unit

2195

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the amendment filed November 2, 2005. Claims 1-15 are presented for examination.

2. The text of those sections of Title 35, U.S. code not included in this office action can be found in a prior office action.

Claim Rejections - 35 USC § 102

3. **Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Maeda (US 2001/0023455).**

4. As per claim 1, Maeda teaches the invention as claimed, including a dynamic load sharing system using a virtual router comprising:

a plurality of equipment units each functioning as a router, which constitute said virtual router having a single common address (paragraphs 0002-04); and

end systems connected to a network through said virtual router (paragraph 0004),

wherein one equipment unit among the plurality of equipment units constituting said virtual router is assigned as a master router, while each of the other equipment units is assigned as a backup router (paragraph 0002-04), and

said assigned master router dynamically sets a packet condition for packets subject to routing to indicate packets of which end system are to be processed by the backup router, and transmit the packet condition to said backup router (paragraph 0010), so that routing processing between said network and said end system is performed by said plurality of equipment units each functioning as a router (paragraphs 0008-09).

5. As per claim 2, Maeda teaches the invention as claimed, including the dynamic load sharing system using the virtual router according to claim 1, wherein when said backup router receives from said master router the information of packet condition for defining the routing object, said backup router transmits a response message to said master router (paragraphs 0048-49).

6. As per claim 3, Maeda teaches the invention as claimed, including the dynamic load sharing system using the virtual router according to claim 1, wherein after said master router notifies said backup router of said packet condition for defining the routing object, said master router removes said packet condition being allocated to said backup router from the packet condition for defining the routing object of said master router itself (paragraph 0053).

7. As per claim 4, Maeda teaches the invention as claimed, including the dynamic load sharing using the virtual router according to claim 2, wherein after said backup router transmits said response message to said master router, said backup router is set to suspend routing processing for a predetermined period (paragraph 0048).

8. As per claim 5, Maeda teaches the invention as claimed, including the dynamic load sharing system using the virtual router according to claim 2, wherein on reception of a response message packet from said backup router, said master router removes the allocated packet condition for defining the routing object, and notifies said backup router of a sequence number of the packet the routing processing for which is completed by said master router (paragraphs 0048, 0054).

9. As per claim 6, Maeda teaches the invention as claimed, including the dynamic load sharing system using the virtual router according to claim 5, wherein said backup router discards a packet having been routed by said master router from among buffered packets based on said sequence number information transmitted from said master router, and performs routing processing from the succeeding packet to said discarded packet (paragraphs 0028-29).

10. As per claim 7, Maeda teaches the invention as claimed, including the dynamic load sharing system using the virtual router according to claim 1, wherein said backup router includes a monitor means for monitoring flow rate information of the packets being routed by said backup router itself (paragraphs 0047-49).

11. As per claim 8, Maeda teaches the invention as claimed, including the dynamic load sharing system using the virtual router according to claim 7, wherein when said packet flow rate monitored by said monitor means exceeds a predetermined value, said backup router requests said master router to review said packet condition for defining the router object (paragraphs 0058, 0071).

12. As per claim 9, Maeda teaches the invention as claimed, including the dynamic load sharing system using the virtual router according to claim 7, wherein said master router collects said flow rate information monitored by said monitor means in said backup router, to review packet condition for defining the routing object when said packet flow rate exceeds a predetermined value (paragraphs 0058, 0071).

13. As per claim 10, Maeda teaches the invention as claimed, including the dynamic load sharing system using the virtual router according to claim 9, wherein said flow rate information collection from said backup router being performed by said master router is initiated by a request from said backup router (paragraphs 0048-49, 0058, 0071).

14. As per claim 11, Maeda teaches the invention as claimed, including the dynamic load sharing system using the virtual router according to claim 9, wherein the reallocation of routers for routing packets is initiated by said packet condition review (paragraphs 0058, 0071).

15. As per claim 12, Maeda teaches the invention as claimed, including the dynamic load sharing system using the virtual router according to claim 11, wherein said review request from said backup router is inhibited for a predetermined period irrespective of said router reallocation for routing packets (paragraph 0048).

16. As per claim 13, Maeda teaches the invention as claimed, including the dynamic load sharing system using the virtual router according to claim 11, wherein said master router suspends said information collection for a predetermined period irrespective of said router reallocation for routing packets (paragraph 0048).

17. As per claim 14, Maeda teaches the invention as claimed, including the dynamic load sharing system using the virtual router according to claim 1, wherein said dynamic load sharing system further comprises a server performing the functions of modifying packet information for routing and obtaining configuration information of said end system (paragraph 0011).

18. As per claim 15, Maeda teaches the invention as claimed, including the dynamic load sharing system using the virtual router according to claim 1, wherein said network includes a carrier network providing an IP virtual private network service (IP-VPN service) or an ISP (Internet service provider) network (paragraphs 0001-02).

Response to Arguments

19. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new grounds of rejection.

Conclusion

20. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed J. Ali whose telephone number is (571) 272-3769. The examiner can normally be reached on Mon-Fri 8-5:30, 2nd Friday off.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai T. An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2195

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Syed Ali
February 7, 2006


SYED ALI
CLASSIFICATION EXAMINER
TECHNOLOGY CENTER